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VIDEO SOFTWARE DEALERS ASSOCIATION
and ENTERTAINMENT SOFTWARE ASSOCIATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VIDEO SOFTWARE DEALERS
ASSOCIATION and ENTERTAINMENT
SOFTWARE ASSOCIATION,

Plaintiffs,

vs.

ARNOLD SCHWARZENEGGER, in his official
capacity as Governor of the State of California;
BILL LOCKYER, in his official capacity as
Attorney General of the State of California;
GEORGE KENNEDY, in his official capacity as
Santa Clara County District Attorney, RICHARD
DOYLE, in his official capacity as City Attorney
for the City of San Jose, and ANN MILLER
RAVEL, in her official capacity as County
Counsel for the County of Santa Clara,

Defendants.

CASE NO. C 05-4188 RMW (RS)

STATEMENT OF RECENT DECISION

1 Plaintiffs Video Software Dealers Association and Entertainment Software Association
2 respectfully submit this Statement of Recent Decision pursuant to this Court's Local Rule 7-3(d).

3 On December 2, 2005, following a trial on the merits, the United States District Court for the
4 Northern District of Illinois issued a permanent injunction against the implementation and
5 enforcement of Illinois's Violent Video Games Law. *Entertainment Software Ass'n, et al. v.*
6 *Blagojevich, et al.*, No. 05 C 4265 (N.D. Ill. Dec. 2, 2005). The Court held, among other things, that
7 Illinois's Violent Video Game Law was subject to strict scrutiny (slip opn. at 32-33), and that it could
8 not pass muster under this standard because, 1) "defendants have failed to present substantial
9 evidence showing that playing violent video games causes minors to have aggressive feelings or
10 engage in aggressive behavior" (*id.* at 36); 2) the state's interest "in preventing developmental or
11 psychological harm to minors . . . does not provide a basis for restricting expression protected by the
12 First Amendment" (*id.* at 38); and 3) the statute was not narrowly tailored to serve its purported
13 purposes.

14 A true and correct copy of the opinion in *Blagojevich* is attached hereto for the convenience
15 of the Court.

16 DATED: December 5, 2005.

Respectfully submitted.

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20 By: _____/s/
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